

REMARKS

Applicants submit the following remarks in response to the Office Action dated July 13, 2009. Entry and reconsideration are respectfully requested.

A. Status of Claims

Claims 71-81 are pending in the instant application. Claims 71-73, 76 and 77 stand rejected. Claim 72 is objected to. Claims 74, 75 and 78-81 are withdrawn from consideration. Claims 1-70 were cancelled by previous amendment.

Upon entry of this response Claim 71 will be amended, Claims 72-81 will be cancelled without prejudice or disclaimer, Claims 82-110 will be added as new claims, and Claims 71 and 82-110 will be pending. No new matter has been added.

B. Response to Claim Objection

Claim 72 stands objected to as being in improper dependent form. Claim 72 has been cancelled herein without prejudice or disclaimer.

C. Response to Claim Rejections under 35 U.S.C. § 112

Claims 71-73, 76, and 77 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification does not reasonably provide enablement for the full scope of the diseases treated in the claimed method.

Claims 72, 73, 76, and 77 have been cancelled without prejudice or disclaimer. Claim 71 has been amended to recite “a method for treatment of diseases caused by reversible abnormal changes of pH of nucleus and non-nucleus cells of the living body.” The diseases that

were previously listed in Claim 71 have been deleted. Applicants assert that the specification enables currently-amended Claim 71.

Claims 71-73, 76, and 77 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 72, 73, 76, and 77 have been cancelled herein without prejudice or disclaimer. Claim 71 has been amended to obviate this rejection. Applicants request that this rejection be withdrawn.

D. Response to Claim Rejections under 35 U.S.C. § 102(b)

Claims 71-73, 76, and 77 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,512,573 to Minin et al. Claims 71-73, 76, and 77 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,953,799 to Henry et al.

Applicants assert that Claims 72, 73, 76, and 77 have been cancelled herein without prejudice or disclaimer. Claim 71 has been amended and is distinguishable over the cited references. Specifically, Applicants assert that the cited references do not teach or suggest “a method for treatment of diseases caused by reversible abnormal changes of pH of nucleus and non-nucleus cells of the living body, said method comprising administering to a subject a pharmaceutically-effective amount of a biologically-active compound having biological activity like as activity of a compound of a purine system of a body, wherein said biologically-active compound is a cyclic bioisostere of derivatives of a purine system” having the claimed general structural formula.

Applicants request that this rejection be withdrawn.

E. Response to Double Patenting Rejection

Claims 71-73, 76, and 77 stand provisionally rejected on the grounds of nonstatutory double patenting over Claims 28-33 of copending Application No. 10/567,113.

Applicants have filed a terminal disclaimer herewith.

CONCLUSION

For at least the reasons stated above, Applicants respectfully request entry of this response and allowance of the claims.

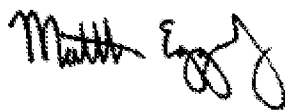
DEPOSIT ACCOUNT AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-4827, Order No. 1004398-001US (4874-7000).

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 50-4827, Order No. 1004398-001US (4874-7000).

Respectfully submitted,

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